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EXAMINER
ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/681,836	CADIZ ET AL.
	Examiner	Art Unit	
	Michael Roswell	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *08 August 2005*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-37 and 100-110* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-37 and 100-110* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 20051024

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1.   Claims 1-10 and 100-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al (U.S. Publication 2002/0161837), hereinafter Sasaki, and Trueblood (U.S. Patent 6,031,530).

2.   Regarding claims 1, 100, 102, 105, 106, and 107, Sasaki teaches providing a user interface and components through which a user specifies each entity whose contact availability is to be determined (the specifying of status tables and common tables through the terminals of a user, at ¶ 0106, and Fig. 14), accepting contact availability data representing at least one contact method for each entity from at least one electronic information source (the status reflecting a user's availability on a chat service, at ¶ 0011), dynamically determining a real-time availability status of each entity for each contact method (using a detection part of a user terminal, ¶ 0011), and graphically representing the real-time availability status of each entity (representing the user's status with a symbol or icon, ¶ 0027). While Sasaki fails to explicitly teach providing "peripheral awareness of a contact availability status" and a "peripheral awareness display area", it is well known in the art that windows may be moved around the display screen of a user to various positions. The Examiner takes OFFICIAL NOTICE of these teachings. Thus, it would have been obvious to one of ordinary skill in the art to position the

contact availability of Sasaki off to the side of the display, forming a "sidebar" capable of displaying contact information peripherally to a user.

Furthermore, Sasaki fails to explicitly teach representing the real-time availability status of each entity in a persistent window.

Trueblood teaches a method for always-visible (persistent) windows that can be used to display information similar to the windows of Sasaki used to display entity status information, at col. 1, lines 8-11.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Sasaki and Trueblood before him at the time of the invention to modify the entity status window of Sasaki to incorporate the always-visible state of Trueblood to obtain a window for viewing information that is not coverable by other application windows, presented in the periphery of the user.

One would be motivated to make such a combination for the advantage of allowing a user to always have selected information visible on the display screen. See Trueblood, col. 2, lines 51-58.

3.   Regarding claim 2, Sasaki teaches the automatic specification of at least one entity, taught as the use of a chat support device to send and receive the status of users sharing a virtual space, at ¶ 0007.

4.   Regarding claim 3, Sasaki shows graphically representing the real-time availability of each entity comprises displaying a graphical representation of each entity using a dynamic thumbnail, as can be seen in Figs. 8 and 11.

5.   Regarding claim 4, Sasaki allows for using a graphical representation of eye contact for

each entity to provide a social cue for indicating whether each entity is available, shown as

faces staring at the user in Fig. 11.

6.   Regarding claim 5, it can be seen in Fig. 8 that Sasaki teaches at least one container

within which the graphical representation of the real-time availability status of each entity is

provided by using a dynamic thumbnail, shown as a section of the window displaying user

statuses.

7.   Regarding claims 6 and 7, Sasaki teaches at least one thumbnail for representing

information other than contact availability status for an entity, shown as the icon files of Fig. 10

for representing each user's understanding of a topic being taught, and is available through the

chat support device of ¶ 0007.

8.   Regarding claims 8-10, Sasaki teaches pulling contact availability data from at least one

of the electronic data sources and receiving contact availability data that is pushed from at least

one of the electronic information sources, taught as "pulling" contact information by receiving

requested status tables of a certain channel, at ¶ 0070, and receiving "pushed" information

automatically from a chat support device when a user enters or leaves a virtual space, at ¶ 0010

and 0011.

9.   Regarding claim 101, Sasaki teaches determining a contact availability status for an

entity based on multiple contact methods, taught as the specifying of different contact statuses

for multiple virtual spaces, at ¶ 0012.

10.   Regarding claims 103 and 104, while Sasaki and Trueblood fail to explicitly teach

presenting a contact availability window as a sidebar or providing peripheral awareness of

contact availability of selected entries, it is well known in the art that windows may be moved

around the display screen of a user to various positions. Thus, it would have been obvious to

one of ordinary skill in the art to position the contact availability of Sasaki and Trueblood off to

the side of the display, forming a "sidebar" capable of displaying contact information peripherally

to a user.

11.   Claims 11, 12, 16, 22, 25, 27-30, 36, 37 and 110 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Sasaki, Trueblood, and Barrus.

12.   Regarding claim 11, Sasaki and Trueblood have been shown to teach graphically

representing the real-time availability of each entity comprises displaying a graphical

representation of each entity using a dynamic thumbnail.

       Sasaki and Trueblood fail to teach a ticket defining an entity, and a viewer for displaying

the ticket.

       Barrus teaches a multimedia messaging system for carrying dynamically updated

information similar to the information of Sasaki. Furthermore, Barrus teaches a ticket defining

an entity, taught as a user's selection of a multimedia object for display, at col. 26, lines 19-22,

and a viewer for displaying the ticket, taught as a series of tests to determine the manner of

display best suited for the content, at col. 26, lines 22-26.

       Therefore, it would have been obvious to one of ordinary skill in the art, having the

teachings of Sasaki, Trueblood, and Barrus before him at the time the invention was made to

modify the dynamic thumbnails of Sasaki and Trueblood to include the multimedia objects and

their viewers of Barrus in order to obtain a real-time availability tracker where entities are defined and displayed separately.

One would have been motivated to make such a combination for the advantage of content portability to several display methods. See Barrus, col. 26, lines 10-14 and 22-26.

13.   Regarding claim 12, Barrus allows for each customizable ticket thumbnail to be sharable, taught as a server accepting changes to a multimedia message and updating any interested parties of the changes, at col. 27, lines 14-16.

14.   Regarding claim 16, Barrus provides for user interaction with each thumbnail through mouse clicks, at col. 11, lines 35-43, similar to the claimed manager for providing user interaction with each thumbnail.

15.   Regarding claim 22, Barrus provides more detailed information upon the selection of a thumbnail through mouse clicks enabling a full text view of a thumbnail, at col. 11, lines 35-43. Sasaki teaches the display of a person window for tracking the availability of and chatting with contacts, at Fig. 8 and page 4, ¶ 0079.

16.   Regarding claims 25 and 110, Sasaki teaches the display of a historical availability of a contact by displaying the last known status for a contact and saving the status in a status table for display when the user participates in another session of the same channel, at page 4, ¶ 0066.

17.   Regarding claim 27, Barrus teaches a sharable ticket between a first user and at least

one additional user by sending each sharable ticket as an email attachment, taught as the

attaching of a media object to an e-mail message, at cols. 1-2, lines 61-67 and 1-2.

18.   Regarding claim 28 and 37, Barrus shows dragging and dropping at least one ticket from

a remote web site to at least one user display device, taught as dragging and dropping an

image off of a web page and into a multimedia message window, at cols. 20 and 21, lines 35-42

and 13-17.

19.   Regarding claim 29, Barrus teaches a network accessible database of tickets for

allowing a user to access the tickets via a network accessible device, taught as the transfer of a

multimedia message thumbnail from a database, at col. 20, lines 4-7.

20.   Regarding claim 30, Barrus teaches creating tickets via a user interface, taught as the

automatic generation of an object thumbnail upon the completion of the drag-and-drop method,

at col. 21, lines 28-38, and has been shown to teach adding messages to existing multimedia

messages to create a nesting effect.

21.   Regarding claim 36, Barrus teaches the automatic creation of at least one ticket, taught

as the use of an automatic object creation module for receiving and translating information of

interest, at col. 18, lines 10-19.

22.   Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki,

Trueblood, Barrus, and Barker et al (U.S. Patent 5,129,052), hereinafter Barker.

23.   Regarding claim 13, Sasaki, Trueblood, and Barrus show the aggregation of at least two ticket thumbnails into at least one group accessible via the user interface displaying a persistent window, taught as the addition of supplemental electronic documents and audio clips into a multimedia message, at col. 12, lines 42-44.

Sasaki and Barrus fail to explicitly teach the aggregation of groups into any number of levels of recursively nested groups, or the recursive expansion of such groups.

Barker teaches a technique for the dynamic selection of logical element data formats based upon logical element characteristics which are established as a document is created or modified, (at col. 1, lines 18-21), similar to the ticket/viewer pairs taught by Barrus. Barker further teaches the recursive nesting of elements, such as the groups of Barrus, taught at col. 3, lines 41-54. Barker also teaches the recursive expansion of recursively nested groups, taught as the restoration of a parent-child relationship to the next higher level of the iterative loop, at col. 3, lines 55-57.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Sasaki, Barrus, Trueblood, and Barker before him at the time of the invention to modify the nested groups of Sasaki, Barrus, and Trueblood to include the recursive nesting Barker to obtain a system of aggregating nested groups of tickets into recursively nested groups.

One would be motivated to make such a combination for the advantage of allowing multiple relationships to occur between two logical elements. See Barker, col. 2, lines 12-16.

24.   Regarding claim 14, Barrus teaches the display of a group as a group thumbnail within a container, taught as the thumbnail image representing a plurality of elements, at col. 25, lines 26-31.

25.   Regarding claim 15, Barrus the display of a summary within the thumbnail of the

information represented by the tickets comprising the group, taught as the thumbnail

representation of many objects in a particular multimedia message, at col. 25, lines 26-31.

26.   Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki,

Trueblood, and Brown (U.S. Patent 6,259,461).

        Regarding claim 17, Sasaki and Trueblood have been shown *supra* to teach the display

of dynamic thumbnails in a persistent window.

        Sasaki fails to explicitly teach including with each ticket a visibility flag, where particular

thumbnails are only displayed when the visibility flag is set.

        Brown teaches a system related to the display of objects in a computer graphics system

(col. 1, lines 7-10), similar to the objects displayed by Sasaki. Furthermore, Brown teaches the

setting of a visibility flag to determine whether or not an object is displayed on screen, similar to

applicant's claimed visibility flag for particular thumbnails, at col. 9-10, lines 58-67 and 1-7.

        Therefore, it would have been obvious to one of ordinary skill in the art, having the

teachings of Sasaki, Trueblood, and Brown before him at the time the invention was made to

modify the dynamic thumbnails of Sasaki to include the visibility flags of Brown in order to obtain

a system for selectively displaying dynamically updated information.

        One would be motivated to make such a combination for the advantage of selectively

displaying information on a screen and improve the graphic performance of a system. See

Brown, col. 3, lines 2-6.

27.   Regarding claim 18, the method of Brown sets the visibility flag for an object

automatically, at col. 3, lines 43-47.

28.   Regarding claim 19, Brown allows for the manual setting of a visibility flag via the user

interface, taught as the setting of the flag through the application program, at col. 6, lines 42-45.

29.   Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sasaki, Trueblood, Barrus, and the applicant's submitted InfoGate reference (Reference 3),

hereinafter InfoGate.

30.   Regarding claim 20, Sasaki, Trueblood and Barrus teach the display of dynamic

thumbnails in a persistent window representative of information of interest to a user.

        Sasaki and Barrus fail to explicitly teach the display of timed thumbnails, wherein the

thumbnails are displayed at predetermined times.

        InfoGate teaches a customizable toolbar used to dynamically deliver selected

information to the desktop of a user, similar to the multimedia messages of Barrus. InfoGate

also teaches displaying timed thumbnails, wherein the thumbnails are displayed at

predetermined times, taught as the use of alerts for bringing up to the moment information to the

desktop toolbar as scheduled by the user, in the form of a predetermined price of stock quotes,

at page 4.

        Therefore, it would have been obvious to one of ordinary skill in the art, having the

teachings of Sasaki, Trueblood, Barrus and InfoGate before him at the time of the invention to

combine the multimedia messages of Sasaki and Barrus with the ability to display timed

information of InfoGate, to obtain a dynamically updated messaging system wherein information

may be displayed to a user at a specified time.

One would be motivated to make such a combination for the advantage of enhancing

user customizability by allowing a user to specify thumbnail alerts. Motivation for such a

combination is given by InfoGate, who teach a highly personalized desktop ticker at page 1 of

the reference.

31.   Regarding claim 21, InfoGate teaches the termination of thumbnails at predetermined

times, such as when an alert has been responded to and is not forwarded to other media

devices, at page 8 of the reference.

32.   Claims 23, 24, 108, and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sasaki, Trueblood, Barrus, and "The Notification Collage: Posting Information to Public and

Personal Displays", by S. Greenberg and M. Rounding (applicant's reference **10**), hereinafter

Greenberg.

33.   Regarding claim 23, Sasaki, Trueblood and Barrus teach the display of dynamic

thumbnails representative of information of interest to a user in a persistent window. Sasaki has

been shown to teach the display of a person window for tracking the availability of and chatting

with contacts.

Sasaki and Barrus fail to teach including a list of actionable communication access

points for the entity represented by the thumbnail.

Greenberg teaches a Notification Collage for keeping track of information of interest.

Greenberg further teaches the use of a pop-up menu for interacting with other users through

addresses accessed through the menu, at page 4, col. 1.

Therefore, it would have been obvious to one of ordinary skill in the art, having the

teachings of Sasaki, Trueblood, Barrus, and Greenberg before him at the time the invention was

made to modify the person window of Sasaki and Barrus to include the contact addresses of

Greenberg to obtain a multimedia messaging system where user contacts may be interacted

with through the use of a pop-up interface.

One would be motivated to make such a combination for the advantage of quickly

accessing contact information about a user of interest. See Greenberg, page 4.

34.   Regarding claim 24, Greenberg teaches identifying a best available communication

access point for a contact, taught as presenting custom interactions for specific media elements

that a user can respond to, at page 4, col. 1.

35.   Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrus,

Sasaki, Trueblood, Greenberg, and *Snippets Product Overview* (applicant's submitted reference

1), hereinafter Snippets.

Regarding claim 26, Barrus, Sasaki, Trueblood and Greenberg have been shown to

teach a persistent person window including a list of actionable communication access points for

the entity represented by the thumbnail.

Barrus, Sasaki, and Greenberg fail to explicitly teach the inclusion of a calendar

schedule for the entity represented by a thumbnail.

Snippets teaches a display of dynamically updated information on the desktop of a user,

similar to the dynamic information displays of Barrus and Sasaki. Furthermore, Snippets

teaches the inclusion of a calendar or schedule for an entity, taught on pages 1 and 4 of the

reference.

Therefore, it would have been obvious to one of ordinary skill in the art, having the

teachings of Barrus, Trueblood, Sasaki, Greenberg, and Snippets before him at the time the

invention was made to modify the person window including a list of actionable communication access points for the entity represented by the thumbnail of Barrus, Sasaki, and Greenberg to include the calendar view of Snippets to obtain a dynamically updated multimedia messaging system wherein one of the dynamic objects is a calendar.

One would be motivated to make such a combination for the advantage of viewing an updated calendar for an entity faster and easier than in previous methods. See Snippets, page 1, paragraph entitled "The Snippets Solution".

36.   Claims 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki, Trueblood, and Barrus.

37.   Regarding claims 31-35, Sasaki and Trueblood have been shown *supra* to teach a method for providing a user interface, accepting contact availability data, dynamically determining real-time availability status, and graphically representing real-time availability status. Barrus has been shown *supra* to teach the storing of ticket/viewer pair thumbnails in containers on a display. Barrus fails to explicitly teach the use of such containers wherein the container is resizable, wherein the container is automatically resized, wherein the container is resized via the user interface, and wherein the dynamic thumbnails within the container are automatically resized as the container is resized. The use of a mouse pointer to resize windows through click and drag methods are well known in the art, as well as automatic resizing techniques, such as window minimization or maximization, in multiple applications and operating systems. Futhermore, it is well known in the art that the resizing of windows can also serve to resize the contents within them. For example, the resizing of many multimedia video player windows, such as the Winamp media player, also resizes the media accordingly. Furthermore, many text and image editors exist that allow for the resizing of the text and images

within them by simply resizing the container they are displayed in. The Examiner takes

OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of

ordinary skill in the art to combine the multimedia messaging system of Sasaki, Trueblood, and

Barrus with these well known teachings to obtain a messaging system wherein the windows

storing media and the media within a message are automatically resized when the window is

resized. One would be motivated to make such a combination for the advantage of quick and

easy and sizing of a window and its contents.

Response to Arguments

Applicant's arguments filed 8 August 2005 have been fully considered but they are not

persuasive.

In response to Applicant's arguments of claims 1, 100, and 102-104 (pages 9-10 of the

remarks) that Sasaki and Trueblood fail to teach a peripheral awareness display area, the

Examiner respectfully disagrees. As shown above, a combination of Sasaki and Trueblood

would produce a contact interface that is always on and visible. Furthermore, ¶ 0018 of the

specification describes a peripheral awareness display area as displaying information "in the

periphery so that it may be observed if and when the user decides to glance that way. The

above-cited ability of a user to resize and relocate a window as they see fit clearly allows for the

presentation of information in a discrete portion of a display, such that information of interest

may be located in the periphery of the user.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
10/24/2005

CAO (KEVIN) NGUYEN
PRIMARY EXAMINER